



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBb1403/1  
TJD/FFK/PJK:cjs:rs

**SENATE AMENDMENT 3,  
TO 2011 ASSEMBLY BILL 40**

June 16, 2011 – Offered by Senators ERPENBACH, CARPENTER, WIRCH, C. LARSON, LASSA, MILLER, HOLPERIN, HANSEN, S. COGGS, JAUCH, RISSER, TAYLOR, VINEHOUT and T. CULLEN.

1           At the locations indicated, amend the bill, as shown by assembly substitute  
2           amendment 1, as follows:

3           **1.** Page 199, line 6: increase the dollar amount for fiscal year 2011–12 by  
4           \$638,700 and increase the dollar amount for fiscal year 2012–13 by \$638,700 for the  
5           purposes for which the appropriation is made.

6           **2.** Page 199, line 21: increase the dollar amount for fiscal year 2011–12 by  
7           \$42,500 and increase the dollar amount for fiscal year 2012–13 by \$42,500 for the  
8           purposes for which the appropriation is made.

9           **3.** Page 200, line 12: delete “Women’s health block grant” and substitute  
10          “Family planning”.

11          **4.** Page 200, line 12: increase the dollar amount for fiscal year 2011–12 by  
12          \$193,600 and increase the dollar amount for fiscal year 2012–13 by \$193,600 for the  
13          purpose of providing family planning services under s. 253.07.

1           **5.** Page 218, line 4: increase the dollar amount for fiscal year 2011-12 by  
2           \$800,000 and increase the dollar amount for fiscal year 2012-13 by \$3,600,000 to  
3           increase funding for child care subsidies.

4           **6.** Page 218, line 4: increase the dollar amount for fiscal year 2012-13 by  
5           \$12,000,000 to increase funding for the transitional jobs demonstration project.

6           **7.** Page 339, line 11: delete lines 11 to 18.

7           **8.** Page 342, line 3: after that line insert:

8           “**SECTION 642d.** 20.435 (4) (bv) of the statutes is amended to read:

9           20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* Biennially, the  
10           amounts in the schedule for payment to pharmacies and pharmacists under s. 49.688  
11           (7) for prescription drug assistance for elderly persons and, if there are moneys  
12           remaining after payments to pharmacies and pharmacists, for the purposes under  
13           s. 49.688 (13).”.

14           **9.** Page 342, line 21: after that line insert:

15           “**SECTION 646j.** 20.435 (4) (j) of the statutes is amended to read:

16           20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*  
17           All moneys received from rebate payments by manufacturers under s. 49.688 (6), to  
18           be used for payment to pharmacies and pharmacists under s. 49.688 (7) for  
19           prescription drug assistance for elderly persons and, if there are moneys remaining  
20           after payments to pharmacies and pharmacists, for the purposes under s. 49.688  
21           (13).

22           **SECTION 646k.** 20.435 (4) (jb) of the statutes is amended to read:

23           20.435 (4) (jb) *Prescription drug assistance for elderly; enrollment fees.* All  
24           moneys received from payment of enrollment fees under s. 49.688 (3), to be used for

1 administration of the program under s. 49.688 and, if there are moneys remaining  
2 after paying for program administration, for the purposes under s. 49.688 (13).”.

3 **10.** Page 549, line 14: delete lines 14 to 20.

4 **11.** Page 563, line 1: delete lines 1 to 15.

5 **12.** Page 563, line 22: delete lines 22 and 23.

6 **13.** Page 565, line 22: delete “fiscal year 2011-12” and substitute “each fiscal  
7 year”.

8 **14.** Page 566, line 2: delete “\$301,631,000” and substitute “\$302,431,000”.

9 **15.** Page 566, line 3: delete “\$298,523,500” and substitute “\$302,123,500”.

10 **16.** Page 570, line 6: after that line insert:

11 “**SECTION 1423f.** 49.45 (2) (a) 8m. of the statutes is created to read:

12 49.45 (2) (a) 8m. Periodically report to the joint committee on finance  
13 concerning any collection of rebates or refunds under s. 20.435 (4) (gm).”.

14 **17.** Page 571, line 9: after “programs” insert “, except that the department  
15 may not implement a policy that supersedes a statute”.

16 **18.** Page 572, line 1: after “(d)” insert “1.”.

17 **19.** Page 572, line 1: delete the material beginning with “implementing” and  
18 ending with “and before” on line 2.

19 **20.** Page 572, line 2: delete the material beginning with “that” and ending  
20 with “policy” on line 3.

21 **21.** Page 572, line 14: after that line insert:

22 “2. Before implementing a policy proposed under par. (c) relating to a program  
23 under s. 49.471, the department shall request that the legislative reference bureau

1 draft legislation to incorporate that change into the statutes. The secretary shall  
2 submit the proposed legislation to the standing committee of each house of the  
3 legislature that has jurisdiction over Medical Assistance matters under s. 13.172  
4 (3).”.

5 **22.** Page 572, line 21: after “2.” insert “Subject to par. (d).”.

6 **23.** Page 573, line 1: delete “before December 31, 2011”.

7 **24.** Page 573, line 2: delete “on July 1, 2012,” and substitute “, but not before  
8 December 31, 2013.”.

9 **25.** Page 573, line 20: delete the material beginning with “repealed and” and  
10 ending with “is” on line 24.

11 **26.** Page 575, line 17: delete the material beginning with “repealed and” and  
12 ending with “is” on line 21.

13 **27.** Page 578, line 18: delete the material beginning with “Unless otherwise”  
14 and ending with “reimbursement” on line 19 and substitute “Reimbursement”.

15 **28.** Page 578, line 24: delete the material beginning with that line and ending  
16 with page 579, line 6.

17 **29.** Page 579, line 13: delete the material beginning with “supervision,” and  
18 ending with “sub. (2m) (c).” on line 22 and substitute “supervision.”.

19 **30.** Page 580, line 1: delete the material beginning with “Unless” and ending  
20 with “, the” on line 2 and substitute “The”.

21 **31.** Page 580, line 9: delete lines 9 to 18.

22 **32.** Page 581, line 2: delete the material beginning with “unless” and ending  
23 with “(c)” on line 3.

- 1           **33.** Page 581, line 7: delete lines 7 to 19.
- 2           **34.** Page 582, line 20: delete the material beginning with “Unless” and ending  
3 with “, no” on line 21 and substitute “No”.
- 4           **35.** Page 583, line 1: delete lines 1 to 15.
- 5           **36.** Page 583, line 19: delete the material beginning with “, unless” and ending  
6 with “(c)” on line 20.
- 7           **37.** Page 583, line 21: delete lines 21 to 25.
- 8           **38.** Page 584, line 3: delete the material beginning with “Unless” and ending  
9 with “(c), the” on line 4 and substitute “The”.
- 10          **39.** Page 584, line 6: delete lines 6 to 10.
- 11          **40.** Page 584, line 16: delete the material beginning with “received, unless”  
12 and ending with “(2m) (e)” on line 24 and substitute “received.”.
- 13          **41.** Page 585, line 9: delete the material beginning with “If the department”  
14 and ending with “policy.” on line 22.
- 15          **42.** Page 586, line 3: delete the material beginning with “Unless” and ending  
16 with “, cost” on line 4 and substitute “Cost”.
- 17          **43.** Page 586, line 10: delete lines 10 to 21.
- 18          **44.** Page 587, line 7: delete lines 7 to 20.
- 19          **45.** Page 588, line 5: delete “is amended” and substitute “, as affected by 2011  
20 Wisconsin Act 10, is repealed and recreated”.
- 21          **46.** Page 588, line 11: delete the material beginning with “If the department”  
22 and ending with “policy.” on line 12.

1           **47.** Page 588, line 13: delete “is amended” and substitute “, as affected by 2011  
2 Wisconsin Act 10, is repealed and recreated”.

3           **48.** Page 588, line 18: delete the material beginning with “waiver. If the” and  
4 ending with “policy.” on line 20 and substitute “waiver.”.

5           **49.** Page 588, line 21: delete the material beginning with that line and ending  
6 with page 589, line 21.

7           **50.** Page 590, line 9: delete the material beginning with “If the department”  
8 and ending with “policy.” on line 24.

9           **51.** Page 591, line 6: delete the material beginning with “42 USC 1396b (v),”  
10 and ending with “sub. (2m) (c).” on line 14 and substitute “42 USC 1396b (v).”.

11           **52.** Page 591, line 21: delete the material beginning with “unless” and ending  
12 with “(2m) (c),” on line 22.

13           **53.** Page 592, line 5: delete the material beginning with “unless” and ending  
14 with “(2m) (c),” on line 6.

15           **54.** Page 593, line 3: delete the material beginning with that line and ending  
16 with page 594, line 14.

17           **55.** Page 597, line 6: delete the material beginning with “repealed” and ending  
18 with “is” on line 10.

19           **56.** Page 597, line 13: delete the material beginning with “and unless” and  
20 ending with “(2m) (c)” on line 14.

21           **57.** Page 597, line 17: delete lines 17 to 22.

22           **58.** Page 598, line 1: delete the material beginning with “and unless” and  
23 ending with “(2m) (c)” on line 2.

- 1           **59.** Page 598, line 5: delete lines 5 to 10.
- 2           **60.** Page 601, line 5: delete the material beginning with “Unless” and ending  
3 with “(2m) (c), a” on line 6 and substitute “A”.
- 4           **61.** Page 601, line 11: delete lines 11 to 18.
- 5           **62.** Page 603, line 3: delete the material beginning with “Unless” and ending  
6 with “(2m) (c), any” on line 6 and substitute “Any”.
- 7           **63.** Page 603, line 7: delete lines 7 to 12.
- 8           **64.** Page 604, line 23: delete the material beginning with “repealed” and  
9 ending with “is” on page 605, line 5.
- 10          **65.** Page 605, line 8: delete the material beginning with “Unless” and ending  
11 with “(2m) (c), the” on line 6 and substitute “The”.
- 12          **66.** Page 605, line 11: delete lines 11 to 15.
- 13          **67.** Page 608, line 4: delete the material beginning with “repealed” and ending  
14 with “is” on line 9.
- 15          **68.** Page 608, line 12: delete the material beginning with “and unless” and  
16 ending with “(2m) (c)” on line 13.
- 17          **69.** Page 608, line 16: delete lines 16 to 21.
- 18          **70.** Page 608, line 25: delete the material beginning with “Unless” and ending  
19 with “(2m) (c), the” on page 609, line 1, and substitute “The”.
- 20          **71.** Page 609, line 4: delete lines 4 to 10.
- 21          **72.** Page 610, line 1: delete the material beginning with “Unless” and ending  
22 with “(2m) (c), a” on line 2 and substitute “A”.

1           **73.** Page 610, line 6: delete lines 6 to 12.

2           **74.** Page 610, line 19: delete the material beginning with “, unless” and ending  
3 with “49.45 (2m) (c)” on line 20.

4           **75.** Page 610, line 21: delete the material beginning with that line and ending  
5 with page 611, line 3.

6           **76.** Page 611, line 4: delete lines 4 to 8.

7           **77.** Page 612, line 16: after that line insert:

8           “**SECTION 1481k.** 49.688 (13) of the statutes is created to read:

9           49.688 (13) If there are moneys available in the appropriation accounts under  
10 s. 20.435 (4) (bv), (j), or (jb), the department shall use those moneys to reduce  
11 enrollment costs for individuals participating in the program under this section, to  
12 reduce the prices paid by individuals in the program under this section for  
13 prescription drugs, and to enlarge the number of prescription drugs available under  
14 the program under this section.”.

15           **78.** Page 616, line 10: after that line insert:

16           “**SECTION 1493p.** 49.78 (3m) of the statutes is created to read:

17           49.78 (3m) RULES; APPLICATIONS. The department shall promulgate rules  
18 establishing by when the department or a multicounty consortium must notify an  
19 individual applying for an income maintenance program of whether the application  
20 is accepted or denied.”.

21           **79.** Page 966, line 18: delete lines 18 to 22.

22           **80.** Page 1178, line 14: delete the material beginning with that line and  
23 ending with page 1180, line 24.

- 1           **81.** Page 1180, line 24: after that line insert:  
2           “**SECTION 2876v.** 253.12 (3) (a) 5. of the statutes is created to read:  
3           253.12 **(3)** (a) 5. Collect information to develop preventive strategies to  
4           decrease the occurrence of birth defects.”.
- 5           **82.** Page 1369, line 11: delete “26” and substitute “27”.
- 6           **83.** Page 1370, line 11: delete “26” and substitute “27”.
- 7           **84.** Page 1400, line 9: delete the material beginning with that line and ending  
8           with page 1401, line 6.
- 9           **85.** Page 1449, line 7: delete the material beginning with that line and ending  
10          with page 1451, line 25.
- 11          **86.** Page 1452, line 2: after “department” insert “of health services”.
- 12          **87.** Page 1452, line 2: after “program” insert “under section 46.286 of the  
13          statutes”.
- 14          **88.** Page 1452, line 3: after “partnership program” insert “operated under an  
15          amendment to the state medical assistance plan”.
- 16          **89.** Page 1452, line 3: after “option” insert “operated under a waiver from the  
17          secretary of the federal department of health and human services under 42 USC  
18          1396n (c)”.
- 19          **90.** Page 1452, line 7: after “; and” insert “, for each program,”.
- 20          **91.** Page 1452, line 9: delete that line and substitute “program to the care that  
21          the individuals receive in that”.
- 22          **92.** Page 1454, line 10: after that line insert:

1           “(9f) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY CONTINUATION. The department  
2 of health services shall request from the federal secretary of health and human  
3 services any waiver of federal medicaid laws necessary to permit the department of  
4 health services to continue administering the program under section 49.688 of the  
5 statutes. The department shall implement any waiver received under this  
6 subsection.”.

7           **93.** Page 1456, line 20: after that line insert:

8           “(13f) MEDICARE VOUCHERS. Under section 165.25 (1m) of the statutes, the  
9 legislature authorizes the attorney general to file or join a lawsuit on behalf of the  
10 state or the people of this state challenging changes to the federal Medicare program  
11 or federal Medicaid laws, if the federal government makes changes to the Medicare  
12 program or Medicaid.”.

13           **94.** Page 1512, line 23: delete “sections 49.67 (3) (am) 2. b. and” and substitute  
14 “section”.

15           **95.** Page 1523, line 23: delete lines 23 to 25.

16           **96.** Page 1525, line 5: delete the material beginning with “treatment of” and  
17 ending with “statutes take” on line 16 and substitute “repeal of section 49.45 (2m)  
18 takes”.

19           **97.** Page 1525, line 9: delete the material beginning with “(24s)” and ending  
20 with “1441bg),” on line 10.

21           **98.** Page 1526, line 3: delete lines 3 and 4.

